

ORIGINAL

OFFICIAL FILE

ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

ILLINOIS <sup>TM</sup> <sup>SM</sup>  
COMMERCE COMMISSION

2005 JUL 22 A 11: 06

Gary T. Pierce

-vs-

Central Illinois Light Company  
d/b/a AmerenCilco

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05-0151

CHIEF CLERK'S OFFICE

**BRIEFS ON EXCEPTIONS**

On July 11, 2005, ALJ Albers submitted his "Proposed Order", in which he stated on page 4 of this order that "perhaps the most compelling evidence in this case is the testimony of Mr. Fix, and the photographs he took during his inspection of the structure in question." I, Gary T. Pierce bring this argument to the Commission, why would this one sided information carry so much weight? The complainant would like the opportunity to present his evidence that will show the Commission that his evidence can, and will be contradicted.

1. Mr. Fitzhenry asked the judge about a break, and afterwards pictures surfaced. (Tr. 135) Mr. Fitzhenry asked me to provide to him all evidence prior to the hearing that I would be submitting to the Commission, why did he not afford me the same respect? Had he, I would have been able to bring pictures to show the inside of building that will show no air is coming into the structure from some of the areas of concern, to amount to these charges.
2. Mr. Fix took the pictures before I got there, and had he asked, I would of afforded him the opportunity to take some of the building inside. (Tr. 138)
3. Mr. Fix states he seen cracks in the corners of the windows, and stuff? To the outside, see number 9 of defendant's pictures. I will submit evidence to prove this was not true. (Tr. 140)
4. Mr. Fix stated that he saw garbage bags on windows, how can he determine the leakage? He did not see the attic, so how could determine insulation? Mr. Fix also stated that the first floor door (see page5) Needed weather stripping. He stated that you could see daylight around dorm frame, and that the threshold of the door was also rotted out, and you could see the outside, you could see the sidewalk from the inside, the outside. (Tr. 143) I will present evidence to dispute this.
5. Mr. Fix stated seeing daylight through this vent. Flap missing allowing airflow into building, basement window rotted out. (Tr. 146) Will show this is false.

6. Mr. Fix stated that these things had been there more than six months, air leakage from the front of the building causing usage in the sanctuary. Rotted out window going into the basement. Stones missing from masonry structure, which complainant stated this was cosmetic. Mr. Fix stated that he would say it was very poorly insulated. Complainant states once again this man is not a expert. A picture was presented (pg.4), and another (pg.5). Complainant plans to show the contradiction in all of the above stated evidence submitted. (Tr. 146-147)

7. All claims about the masonry, and openings in the footing, and especially Mr. Fix claim that this was the cause for significant gas usage will be proven to be wrong when evidence to counter his claim is submitted. (Tr. 149-152)

8. The chance for complainant to submit more evidence was never discussed (Tr. 34-36)

9. The defendants knew I had people living there before the gas was shut off. No attention was paid to my claims of harassment. (Tr. 44-49) Statement from my wife ( Shari Pierce) about harassment not given any weight. (Tr. 92-100)

10. No attention given to the possibility of defective meters. ( Tr. 111-116)

11. Mr. Fix never said that the vent in the basement was causing the furnaces to be on, he just stated it would cause lost heat that would be going upstairs. He also stated seeing the locked thermostat. (Tr. 155-159) If thermostats are off how could the bill be that high?

12. Was again the masonry is cosmetic work, this has nothing to do with air flow. ALJ Albers claimed from looking at the pictures he could see the inside from the outside, this could not possibly be, I will prove there is no air flow by showing pictures from the inside. ( Tr. 160-161)

And, finally the complainant, Gary T. Pierce in accordance to 83 Illinois Administrative Code CH. I. S200.850 Subchapter b. In Section 200.850 Oral Argument: "a) 3. A request for oral argument noted by a party on either its opening brief, reply brief or brief on exceptions, accompanied by a statement in support of such request in the body of the brief."

The complainant request the chance to be heard, and present evidence to support his claim that this exception should be heard with evidence not allowed to be submitted before in the form of pictures, and other materials deemed appropriate.

Dated July 22, 2005

Complainant: Minister. Gary T. Pierce

By: 

Complainant Pro Se

Minister. Gary T. Pierce

2212 Catalina Lane

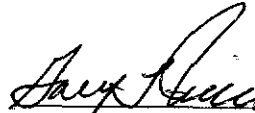
Springfield, IL 62702

(217) 544-7680

(217) 481-0332

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via U.S. first class mail, and in person to all parties of record on this 22 day of July 2005.

  
Minister. Gary T. Pierce, BSW